

MINUTES OF THE REGULAR MEETING OF AUGUST 21, 2014

The regular meeting of the Sussex County Planning and Zoning Commission was held Thursday evening, August 21, 2014, in the County Council Chambers, County Administrative Office Building in Georgetown, Delaware.

The meeting was called to order at 6:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Mr. Michael Johnson, Mr. Rodney Smith, and Mr. Martin Ross, with Mr. Vincent Robertson – Assistant County Attorney, Mr. Lawrence Lank, Director, and Mr. C. Shane Abbott – Assistant Director.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Agenda as circulated. Motion carried 4 – 0.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to approve the Minutes of August 7, 2014 as amended. Motion carried 4 – 0.

OLD BUSINESS

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I BY AMENDING THE DEFINITIONS OF “DWELLING”, “DWELLING, SINGLE FAMILY”, DWELLING, MULTI-FAMILY”, AND “FAMILY”.

The Commission discussed this Ordinance Amendment which has been deferred since August 7, 2014.

Mr. Robertson reminded the Commission that this is an important issue, and that it should be voted on by all members of the Commission.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

Conditional Use #1992 – W. Ralph Brumbley

Application of **W. RALPH BRUMBLEY** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a vendor (lunch truck) to sell foods and beverages to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 16,820.70 square feet, more or less, land lying northeast of Route One (Coastal Highway) across from Route 6 (Union Street Extended) (911 Address: 12209 Coastal Highway, Milton, DE) (Tax Map I.D. #2-45-7.00-44.00).

The Commission discussed this application which has been deferred since August 7, 2014.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use #1992 for W. Ralph Brumbley for a vendor, specifically a lunch truck, to sell food and beverages based on information contained in the record and for the following reasons:

- 1) This is a small use that will be located on property owned by the applicant. It will be temporary in nature and will primarily serve residents and visitors to the adjoining manufactured home park that he owns.

- 2) There is room for the use on the site, which also including parking. There will also be room to pull off of Route One to access the food vendor.
- 3) The use will not adversely affect neighboring properties, the community or area roadways.
- 4) The use is appropriate in this location which is next to the manufactured home park, which includes fishing areas and other activities for residents and guests.
- 5) This recommendation is, however, subject to the following conditions:
 - A. The use shall be limited to a mobile or temporary food and beverage vendor. When not in continuous operation, it must be removed from the site and must not become permanently located on the site.
 - B. The use shall comply with all setback and parking requirements.
 - C. The applicant shall comply with all DelDOT requirements, including entrances from Route One.
 - D. Any trash containers associated with the use shall be screened from view of neighboring properties and roadways.
 - E. The hours of operation shall be from 6:00 a.m. until 9:00 p.m.
 - F. The Final Site Plan for this use shall be subject to the review and approval of the Sussex County Planning and Zoning Commission. In addition to parking and other requirements of a Final Site Plan, it shall also show the location of the picnic tables or tents that were proposed by the applicant.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

Conditional Use #1993 – David J, Bosco

Application of **DAVID L. BOSCO** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a paint ball park to be located on a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 5.1345 acres, more or less, land lying east of Road 600 (Saint Johnstown Road) 1,760 feet north of Road 597 (Tuckers Road) (911 Address: 14639 Saint Johnstown Road, Greenwood, DE) (Tax Map I.D. 4-30-8.00-9.02).

The Commission discussed this application which has been deferred since August 7, 2014.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 1993 for David J. Bosco for a conditional use for a paintball facility based on the record made at the public hearing and for the following reasons:

- 1) The use as a paintball facility will occur on the weekends and will not have an adverse effect on neighboring properties, roadways, or the community.
- 2) There are currently very few paintball facilities in Sussex County, this will serve a need for such a facility in Sussex County for County residents and others who participate in the sport.

- 3) The use will occur on only a part of the applicant's 5.1 acre site, and the property is surrounded by other property which is owned by family members.
- 4) No parties appeared in opposition to the application.
- 5) This recommendation is, however, subject to the following conditions:
 - A. The use shall be limited to paintball and activities related to it. Sales of paintball related items shall also be permitted.
 - B. As stated by the applicant, the facility shall only be open on Saturdays and Sundays from 11:00 a.m. until 6:00 p.m.
 - C. One lighted sign shall be permitted, not to exceed 32 square feet in size per side.
 - D. As stated by the applicant, the use will only occur on the north side of the site to the left of the dwelling that it located on the property. The area used for paint ball shall be entirely enclosed with netting or fencing. The Final Site Plan shall show the exact location of the area specified by the applicant for the Conditional Use.
 - E. The areas set aside for parking shall be clearly identified on the Final Site Plan and on the site itself.
 - F. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

Change of Zone #1755 – Bunting – Gray, LLC

Application of **BUNTING – GRAY, LLC** an Ordinance to modify Condition No. 1 and delete Conditions No. 2 and No. 15 imposed on Ordinance No. 1532 for Change of Zone No. 1460, the application of Bunting – Gray, LLC for “The Refuge at Dirickson Creek”, a MR-RPC Medium Density Residential District – Residential Planned Community, to increase the maximum number of allowable dwelling units from 343 units to 355 units, of which no more than 68 units shall be multi-family units, and to eliminate the B-1 Neighborhood Business uses permitted by Ordinance No. 1532 on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.3494 acres, more or less, land lying north of Route 54 (Lighthouse Road) 0.6 mile east of Road 381 (Old Mill Bridge Road) (911 Address: None Available) (Tax Map I.D. #5-33-12.00-674.00).

The Commission discussed this application which has been deferred since August 7, 2014.

Mr. Smith stated that he would move that the Commission recommend approval of Change of Zone #1755 for Bunting-Gray, LLC to modify Condition No. 1 and delete Conditions No. 2 and No. 15 that were imposed in Ordinance No. 1532 for Change of Zone No. 1460 regarding, the MR-RPC development known as the “Refuge at Dirickson Creek” based on the record made during the public hearing and for the following reasons:

- 1) In summary, this is a request to delete the commercial area established as part of the original approval of this MR-RPC project, and use the area for additional dwellings. The net increase to the entire project will be 12 additional dwellings.

- 2) The residential portion of the MR-RPC is already substantially complete with most of the single family and townhouse units sold.
- 3) The applicant has stated that the commercial area that was planned for the project is no longer viable since other commercial areas already exist along the Route 54 corridor, including a property next door.
- 4) The additional townhouses will be integrated into the overall project, and will be more compatible with the adjacent homes built within the “Refuge at Dirickson Creek” development.
- 5) The elimination of the commercial area will reduce the impervious area of the overall development.
- 6) No parties appeared in opposition to the application, and one party appeared in favor of it. In addition, the applicant stated that a majority of the residents are in favor of the conversion of the area from commercial use to residential use. However, since this conversion will require an amendment to the governing condominium documents, this rezoning must be contingent on that occurring.
- 7) It is appropriate to modify Conditional No. 1 of Ordinance No. 1532 (C/Z #1460) to increase the maximum number of dwelling units and multi-family units, so that it states as follows: “1. The maximum number of dwelling units shall not exceed 355, of which no more than 68 shall be multi-family units.”
- 8) It is appropriate to delete Condition No. 2 in its entirety. Condition No. 2 set aside the area to be used for commercial development.
- 9) It is appropriate to delete Condition No. 15 in its entirety. This condition prohibited access from the commercial area directly on to Route 54, a condition that is moot with the deletion of the commercial area.
- 10) This recommendation is, however, subject to the following conditions:
 - A. The development of the former commercial area into residential dwellings shall require site plan approval from the Sussex County Planning and Zoning Commission.
 - B. The new residential area shall be interconnected with the existing residential development. No direct vehicular access to it shall occur from Route 54. It shall also be connected by sidewalks or some other type of multi-modal path to the rest of the development, preferably in a manner that provides the shortest and most direct walk to the rest of the development and its amenities. This shall be shown on the site plan submitted to the Planning and Zoning Commission.
 - C. The Commission recognizes that this change in the design of the “Refuge at Dirickson Creek” will require an amendment to the project’s recorded governing documents. The Commission also recognizes that for this type of amendment, the developer or condominium or homeowner’s association likewise could not amend the governing documents without approval from Sussex County for the underlying zoning change. It is a unique situation. Therefore, as a result, it is appropriate for this amendment to Ordinance No. 1532 (as represented in this C/Z #2755) to only take effect upon the recordation of an amendment to the recorded governing documents of the “Refuge at Dirickson Creek” allowing the conversion from commercial to residential use within 6 months of the approval of C/Z #1755. Proof of recording this

amendment must be provided to the Assistant Sussex County Attorney representing the Sussex County Planning and Zoning Commission within 6 months of County Council's approval of C/Z #1755. If this does not occur, C/Z #1755 shall automatically be declared null and void and of no further force and effect without further action of the Sussex County Planning and Zoning Commission or the Sussex County Council, and Conditions No. 1, 2, and 15 of Ordinance No. 1532 shall be reinstated as they previously existed in that Ordinance.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

Change of Zone #1756 – Delmarva Power & Light Company

Application of **DELMARVA POWER & LIGHT COMPANY** to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District and a C-1 General Commercial District for a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 13.57 acres, more or less, land lying southwest of Handy Road (Road 337) and southwest of U.S. Route 113 (DuPont Highway) (911 Address: None Available) (Tax Map I.D. # 2-33-5.00-135.00, 136.00, 137.01, and part of 125.00).

The Commission discussed this application which has been deferred since August 7, 2014.

Mr. Ross stated that he would move that the Commission recommend approval of Change of Zone No. 1756 for Delmarva Power & Light Company for a change of zone from AR-1 Agricultural Residential and C-1 General Commercial to a CR-1 Commercial Residential District based on the record made during the public hearing and for the following reasons:

- 1) DP&L owns several parcels that are adjacent to each other. A majority of two (2) of them are currently zoned C-1 General Commercial, with a small area zoned AR-1. On another of the adjacent tracts, the entrance area is zoned C-1, but the balance is zoned AR-1. This rezoning would bring the area that DP&L desires to use for its district office into a single zoning classification of CR-1, which is appropriate for DP&L's use of the site.
- 2) DP&L's district office has been operated from a part of this site since 1972.
- 3) The rezoning will not adversely affect neighboring properties, the community, or area roadways.
- 4) The site is in a Town Center District under the Sussex County Comprehensive Plan and CR-1 zoning is an appropriate zoning classification in this area.
- 5) The site has an existing entrance from U.S. Route 113 and U.S. Route 113 is an appropriate location for CR-1 zoning.
- 6) The proposed rezoning will benefit residents of Sussex County by allowing DP&L to reasonably expand its existing use of the property as its district office and to provide additional storage area for utility-related equipment, materials and vehicles in order to better serve its Sussex County customers.

Motion by Mr. Ross, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4 – 0.

PUBLIC HEARINGS

Conditional Use #1994 – Robert Wilkerson

Application of **ROBERT WILKERSON** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an automobile repair shop to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 1.5 acres, more or less, land lying north of Route 88 (Cave Neck Road) 340 feet east of Road 261 (Sweetbriar Road) (911 Address – None Available) (Tax Map I.D. #2-35-22.00-18.09).

The Commission found that the Applicant had submitted a copy of the survey of the property depicting the garage as existing on the property.

The Commission found that DelDOT provided comments on February 6, 2014 in the form of a Support Facilities Report referencing that a traffic impact study was not recommended, and that the current Level of Service “C” of Cave Neck Road (Route 88) will not change as a result of this application proposing to utilize the property for auto repair.

The Commission found that the County Engineering Department Utility Planning Division provided comments on August 20, 2014 in the form of a memorandum which reference that the property is not located in a County operated or maintained sanitary sewer and/or water district; that the property is located in the North Coastal Planning Area; that an on-site septic is proposed; that conformity to the North Coastal Planning Study will be required; that the proposed project is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

Mr. Lank advised that Commission that the Department has received six (6) letters and/or emails in opposition to this application and provided the Commission with copies to review.

The Commission found that Robert Wilkerson was present and stated in his presentation and in response to questions raised by the Commission that he is proposing to use an existing garage on the property for an auto repair shop; that the activity is mostly a hobby; that he takes care of vehicles owned by family members and friends; that he does not charge fees; that he has received some donations for some of his work; that he has been utilizing the site for this purpose for approximately 5 years; that waste oils are pickup and handled by a waste oil handler; that parts removed from vehicles are disposed of or hauled away to salvage yards; that he does not want to have more than 10 vehicles on the site at any one time; that there are no other businesses in the area; that the area is predominantly residential and agricultural; that his normal business hours are from 8:30 a.m. to 5:00 p.m. Monday through Saturday; that there are no sanitary facilities on the site; that there are no vehicles for sale on the site; that he does offer any towing services; that he does not offer any repossession storage; that the service is needed in the area; that his father owns the property; and that his family owns the adjacent acreage as the Holland Family Land Corp.; that he has five or six people to and from the site daily; that he has no employees; that the

building has a concrete floor; that he uses oil dry if any spill occurs; that he utilizes a parts cleaner system for cleaning parts; that there is no water on site; that security lighting exists; that he has an approved business license; and that he does not have a car lift in the shop, but utilizes jacks and jack-stands to service vehicles.

The Commission found that Ardie Bolden and Leeland Harmon, Jr. were present and spoke in support of the application stating that they have no objection to the application; that the site is well maintained; that there is little to no noise; that the site is clean, near and the grass is cut; that the applicant has been a good neighbor and is a good worker; and that he does a good job repairing vehicles and lawn mowers.

The Commission found that Nicki Trigg, Maureen Gosparik, Norma Jean Boudah, Roger Beaudin, Megan Stevens, Ben Cavaliere, Beverly Delli Santi, Debbie Kurpinski, and Ken Kurpinski were present and spoke in opposition to this application expressing concerns that there are normally 20 or more vehicles on the site; that there is heavy pedestrian activity on the site; that they do not support the need for an auto repair shop in the area; that the site is unsightly and an eyesore; that there are no restroom facilities; that power tool noises are disturbing; that the applicant has been in business for several years without any approvals; that tires have been stacked along the building; that the area is residential; that recently a convenience store application was denied near this site due to the residential area; that there are a large number of people coming and going to the site; that the lot does not have a septic system; that there is no hazardous materials waste report for review; that the entrance has not been built to State specification; that they purchases because the area is residential; that the intersection of Cave Neck Road, Hudson Road, and Sweetbriar Road is very dangerous; that the use is not compatible with the residential area surrounding the site; and that the area should remain residential and agricultural.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

Conditional Use #1995 – Adele H. Fluharty

Application of **ADELE H. FLUHARTY** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an excavating company storage of equipment and office to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 5.34 acres, more or less, land lying east of Road 279 (Camp Arrowhead Road), 260 feet south of Road 279A (Waterview Road) (911 Address: 22379 Camp Arrowhead Road, Lewes, DE) (Tax Map I.D. # 2-34-12.00-84.00).

The Commission that the Applicant had submitted a survey of the property depicting the existing dwelling and related out buildings, and existing gravel lane.

The Commission found that DelDOT had provided comments in the form of a Support Facilities Report, dated May 28, 2014, referencing that a traffic impact study was not recommended, and

that the current Level of Service “C” of Camp Arrowhead Road will not change as a result of this application.

The Commission found that County Engineering Department Utility Planning Division provided comments in the form of a memorandum on August 20, 2014 referencing that the property is located in the Angola Neck Planning Area; that sewer service has not been extended to the parcel; that the proposed business will use on on-site septic system; that when the County does provide sewer service, a connection to the system is mandatory; that the County does not have a firm schedule to provide sewer service at this time; and that a concept plan is not required.

Mr. Lank advised the Commission that this application was filed after receipt of a Violation Notice from the Department for the business operating from the property.

Mr. Lank advised the Commission that one (1) letter was received in support of the application and that four (4) letters and/or emails were received by the Department in opposition to this application and provided copies for the Commission to review.

The Commission found that Clint Fluharty was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that he proposed to use this site for his excavating company; that the site has been utilized for family run businesses since 1973; that in 1973 his father started a masonry business at this site; that in 1997 he started his excavating company at the site; that in 1999 he changed the name of the business to “Dirt Works”, still an excavating company; that the Sussex Conservation District just completed an inspection of the site and voiced no objection to the continued use of the building since it was constructed prior to the Delaware Sediment and Stormwater Regulations of 1991; that the District voiced no objection to the construction staging area/work shop at the site; and that the District noted that there does not appear to be any discharge from the site; that the company has 15 employees; that the family run businesses have successfully grown; that the two (2) buildings on the site are for vehicle storage and supply storage; that the site is used for storage of equipment, materials and trucks; that major maintenance of the trucks and equipment are performed off-site; that normal business hours are from 7:00 a.m. through 3:00 p.m. or 6:00 p.m. depending on the jobs; that the only noise from the site should be truck noise; that the site is mostly surrounded by woods; that a portion of the site has recently been cleared and thinned to provide more room to park and turn equipment and trucks; that a well drilling business, another excavation service company, and a towing service are in close proximity to the site; that the site is owned by his mother and that he lives on an adjacent parcel fronting on Waterview Road; that he has one wrecked vehicle on the site that they use for parts since he has similar trucks still in service; that there are two (2) fuel storage tanks on the site; that Waste Industries picks up all of the trash every Wednesday; and that he does have a porta-toilet on the site.

The Commission found that Terry Simmons, a resident of Waterview Road, spoke in support of the application and stated that the business has no impact on the area; and that he has lived four (4) properties from the site for four (4) years and has no objections.

The Commission found that Baron Stevenson, Connor Paulik, and Richard Jennings, employees of the applicant, spoke in support of the application and stated that the business is run with a

family atmosphere with good dedicated employees; that the majority of the work is lot clearing and site work; that the business is well run; and that noise is at a minimum, typically only truck engine/exhaust noises.

The Commission found that Joe Weiser, an area resident, spoke in opposition to the application stating that he lives across the road from Mr. Fluharty; that the business has expanded; that sometimes activities on the site start at 6:00 a.m.; that he is concerned about dust, engine noise, the loading of equipment and material noises; that he is concerned about spillage of fuels and oils creating an environmental concern; that he has lost a sound barrier by the removal of the trees; that in the winter, the truck noises are more obvious; that other site outside of a residential area are available; that he questions the number of vehicles; and that he questions if sub-contractors utilize the site.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

Subdivision #2014-4 – David L. Banks

Application of **DAVID L. BANKS** to consider the Subdivision of land in an AR-1 Agricultural Residential Zoning District in Dagsboro Hundred, Sussex County, by dividing 20.044 acres into 16 lots, located at the northeast corner of the intersection of Armory Road (Road 382) and Townsend Road (Road 340) (Tax Map I.D. #4-33-2.00-6.10).

Mr. Abbott advised the Commission that the Technical Advisory Committee Report of July 15, 2014 is a part of the record for this application; that the Commission was provided a copy of the Technical Advisory Committee Report; that the applicants submitted an Exhibit Booklet on July 2, 2014 that is a part of the record; and that a letter was received in support of the application.

Jason Palkewicz, P.E. and Frank Kea with Solutions, IPEM were present on behalf of this application and stated in their presentation and in response to questions raised by the Commission that the site is located at the intersection of Armory and Townsend Roads; that 16 single-family lots with on-site septic and well are proposed; that the minimum lot size is 32,670 square feet; that DNREC has issued a septic feasibility statement; that the application was reviewed by the Technical Advisory Committee and that the applicant will comply with all requirements; that DelDOT will issue an entrance off of Townsend Road and not Armory Road; that the streets will be constructed to county specifications; that at this time, two storm water management ponds are proposed; that a twenty-foot landscaped buffer is provided around the perimeter of the site; that an easement for a multi-modal path has been provided across the applicant's property; that the storm water design will utilize infiltration ponds; that the development will be identified by a sign; that sidewalks are proposed along both sides of all streets; that streetlights will be provided; that the restrictive covenants have been submitted and reviewed; that the proposed buffer will be in compliance with the subdivision ordinance; that there is an existing forested strand of trees in the middle of the site; that the old feed mill on the site has been demolished; that there are no wetlands on the site; that a wetland delineation has

been performed; that no environmental studies have been performed on the site; that the open space area along Armory Road could be used for additional storm water management areas; and that the site previously received subdivision approval but was never built except for a street being cut in.

The Commission found that no parties appeared in support of this application.

David Hedwig, an adjoining property owner was present and expressed concerns about the lots along Armory Road being a part of this application.

The Commission advised Mr. Hedwig that the lots along Armory Road are approved strip lots and are not a part of this application.

Harvey Tripp, an adjoining property owner was present and expressed concerns and submitted photographs of drainage problems in the immediate area and on the site; and advised the Commission that there are 2 ponds on the site that cause flooding.

Mr. Palkewicz responded that the applicants have met with the Sussex Conservation District; that there are two low areas on the site; that an approved storm water management plan will remedy the drainage problems in the area; and that a wetland delineation has been conducted.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Smith, seconded by Mr. Ross and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

OTHER BUSINESS

Peninsula Lakes MR/RPC Revised Site Plan – Road 299

Mr. Abbott advised the Commission that this is a revised site plan for 72 multi-family dwelling units (36 duplex buildings) located on 19.435 acres for the Peninsula Lakes MR/RPC; that this area was for multi-family and single family lots on the most recent approved master plan that the Commission approved on March 13, 2014; that the 72 multi-family units are permitted based on the amended conditions of approval; that 588 single family lots are permitted; that construction has not commenced on this project; that the applicants are requesting 20 foot front yard setbacks and 10 foot side and rear yard setbacks; that Sussex County will provide central sewer and Tidewater Utilities will provide central water; that sidewalks are provided on both sides of all streets within this phase; that only preliminary approval should be considered; that all agency approvals have been received; and that the Commission was previously provided a copy of the revised site plan.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to approve the site plan as a final. Motion carried 4 – 0.

Far East Capital 2 Lots on 50' Right of Way – Penny Packer Lane

Mr. Abbott advised the Commission that this is a request to subdivide a 2.88 acre parcel into 2 lots with access from an existing 50-foot right of way off of Road 283; that one lot will be a minimum of 0.75 acre and the residual land will be approximately 2.0 acre, more or less; that if the request is approved as submitted, this would lake 3 lots having access from the 50-foot right of way; that the request may be approved as submitted, or an application for a major subdivision can be required; that if the request is approved as submitted, it should be stipulated that any further subdivision of the property will require an application for a major subdivision; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Johnson, seconded by Mr. Smith and carried unanimously to approve the request as a concept with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 4 – 0.

Richard Culley

3 Lots on 50' Right of Way – Road 13A

Mr. Abbott advised the Commission that this is a request to subdivide a 5.93 acre parcel into 3 lots with access from a 50-foot right of way off of Route 13A; that the owner is proposing to create the 50-foot right of way over an existing driveway; that 2 lots will contain the minimum lot size of 0.75 acre and the residual lands will contain 4.50 acres, more or less; that the request may be approved as submitted, or an application for a major subdivision can be required; that if the request is approved as submitted, it should be stipulated that any further subdivision of the property will require an application for a major subdivision; and that the Commission was previously provided a sketch drawing of the request.

Motion by Mr. Ross, seconded by Mr. Smith and carried 3 votes to none, with Mr. Wheatley not participating, to approve the request as submitted as a concept with the stipulation that any further subdivision of the property will require an application for a major subdivision. Motion carried 3 – 0, with Mr. Wheatley not participating.

Meeting Adjourned at 8:10 p.m.